

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SADET TAHIRI, An Individual,

Plaintiff,

vs

CASE NO.
HON.
Magis.

RICHARD SETZER, an Individual,
And MCKENZIE DEVELOPMENT
CORPORATION d/b/a NATIONAL
RENTAL, A Foreign Profit Corporation,

Defendants.

BRIAN E. MUAWAD (P41209) Law Offices of Brian E. Muawad, P.C. Attorney for Plaintiff 22330 Greater Mack St. Clair Shores, MI 48080 (586) 778-8570 (586) 778-6633 [FAX] muawadpcscs@sbcglobal.net	KEVIN M. MULVANEY (P76915) Wilson Elser Moskowitz Edelman & Dicker, LLP Attorneys for Defendant Richard Setzer 17197 N. Laurel Park Drive, Suite 201 Livonia, MI 48152 (313) 327-3100 (313) 327-3101 [FAX] Kevin.mulvaney@wilsonelser.com
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NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

NOW COMES the Defendant, RICHARD SETZER and pursuant to **28 U.S.C. §1332, 28 U.S.C. §1441(a) and (b)**, hereby removes to this Court the state action described herein.

1. On or about January 17, 2020, Sadet Tahiri filed a Summons and Complaint in the State of Michigan, Circuit Court for the county of Wayne,

captioned, Sadet Tahiri v Richard Setzer and McKenzie Development Corporation d/b/a National Rental, case number 20-000741-NI (hereinafter “State Court Action”). A copy of the Plaintiff’s Complaint is attached hereto as ***Exhibit A*** in accordance with **28 U.S.C. § 1446(a)**.

2. The Defendant accepted service of Plaintiff’s Complaint on February 8, 2020.

3. The State Court action brought by the Plaintiff is wholly of a civil nature over which the United States District Court, Eastern District of Michigan has original jurisdiction pursuant to **28 U.S.C. §1331** and **28 U.S.C. §1337**. Said action is one that may be removed by the Defendant pursuant to **28 U.S.C. §1441(a)** and **(b)**, as the State Court Action is based upon personal injury that occurred in Oakland County, Michigan.

4. This case is a civil action over which this court has diversity jurisdiction, pursuant to **28 U.S.C. Sec. 1332**. Specifically, the incident which gives rise to Plaintiffs’ cause of action occurred in the County of Oakland, State of Michigan. The Plaintiff resides in and is a citizen of the County of Wayne and State of Michigan. (***Exhibit A*** - Summons and Complaint, paragraph 1). Defendant Richard Setzer resides in the City of Cincinnati, County of Hamilton, and State of Ohio.

5. This Court has diversity jurisdiction over this matter pursuant to **28 U.S.C. 1332** based upon complete diversity of citizenship and because the amount in controversy in this matter, computed on the basis of all claims to be determined in this suit, presumably exceeds the jurisdictional sum or value of \$75,000.00, exclusive of interest and costs. In support of this allegation, the Defendant submits the following facts and reasons:

- a. Plaintiff alleges serious injuries to her back, neck, shoulders, and other parts of her body as well as other related and appreciable difficulties, injuries, or consequences that have occurred, developed, or aggravated any preexisting problem that might have existed; pain, suffering, and mental anguish; wage loss or actual future loss of earnings to the extent that such losses are recoverable in excess of the no-fault statutory monthly and yearly maximums that are found to apply to the cause; and other damages, injuries, and consequences that are found to be located to the automobile accident that developed during the course of discovery, to the extent that the damages are recoverable under the Michigan No-Fault Insurance Act. *Exhibit A* - Summons and Complaint, ¶¶ 11.
- b. Although the Defendant denies any liability, if the above allegations are all proven to be true and all proven to be related to the accident, the

amount in controversy and the value of the damages sought by Plaintiff exceeds the sum or value of \$75,000.00 exclusive of interest, costs and attorney fees.

7. A Notice of Filing Notice of Removal to Federal Court and a copy of this Notice of Removal of Action to Federal Court will be filed with the 3rd Circuit Court for the County of Wayne, State of Michigan, as required by **28 U.S.C. 1446(d)** and copies of the same served upon all counsel of record. Responsive pleadings were filed in Wayne County Circuit Court on March 9, 2020. (*Exhibit B* – Defendant’s Answer to Plaintiff’s Complaint.)

8. Based upon the foregoing, the parties are entitled to remove this action to this Court under **28 U.S.C., 1332 and 28 USC 1446(a) and (b)**.

9. This Notice of Removal is filed in compliance with **Rule 11 of the Federal Rules of Civil Procedure**.

10. The Defendant reserves all defenses, including but not limited to, those under **Rule 12(b) of the Federal Rules of Civil Procedure** and does not waive said defenses by the filing of this Notice.

WHEREFORE, the Defendant, Richard Setzer, respectfully prays that the above-entitled action now pending against it in the Wayne County Circuit Court,

case number 20-000741-NI, be hereby removed from the above-referenced State Court to the United States District Court for the Eastern District of Michigan.

Respectfully submitted,

WILSON ELSEER MOSKOWITZ
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Dated: March 9, 2020